

REMARKS

Claims 6-11 currently appear in this application. The Office Action of June 24, 2992, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Restriction

It is noted that the Examiner has rejoined Groups I and II. The present amendment cancels claims 1-5 in favor of new claims 6-11.

Claim Objections

Claim 3 is objected to for the recitation of "into a bundled of capillaries" because the syntax is incorrect.

Claim 3 has now been replaced by new claim 8. It is believed that the syntax in claim 8 is correct.

Rejections under 35 U.S.C. 112

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed.

Claims 1-5 have now been rewritten as claims 6-11. It is believed that claims 6-11 conform to all of the requirements of 35 U.S.C. 112.

Art Rejections

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehlinger.

This rejection is respectfully traversed.

Claim 6, which corresponds to original claim 1, defies the capillaries as having a length of from about 1 to 5 mm and a diameter greater than 10 microns. The capillaries used in Dehlinger have a preferable length of from 0.5 to 3 cm, and typically about 1 cm, as described in column 8, line 13 of Dehlinger.

Dehlinger discloses a method for producing a position-addressable combinatorial library of different oligomer sequences or different substituent small molecule compounds. The process comprises identifying, in a dense array of capillary tubes, a selected subset of tubes into which a selected one of a plurality of different chemical reagents in a reagent solution is to be introduced, and a complementary subset of tubes remaining in the array.

In contrast thereto, the affinity analytical chip of the present invention is produced by a method

recited in claim 8. That is, capillaries are prepared, each of which has a probe molecule fixed to or synthesized on the inner surface thereof, and a plurality of different capillaries are bundled together into a bundle by use of suitable binding means, in which each capillary has a different probe molecule. In the present invention, the number and length of the capillaries and any combination of different capillaries can be freely chosen to produce made-to-order bundles.

Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Landgren.

This rejection is respectfully traversed. The capillaries in Landgren are combined in bundles to form a two-dimensional array, as described at page 3, lines 35-36. On the other hand, the present invention provides a three-dimensional array of capillaries having a length of from about 1 to 5 mm.

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Schellenberger et al.

This rejection is respectfully traversed. The apparatus of the present invention comprises a plurality of capillaries having probe molecules fixed to the inner surface thereof. The assembly disclosed by Schellenberger et al. has a plurality of through holes

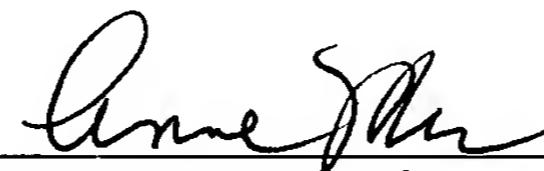
but not probe molecules are fixed or combined to the inner surface of the holes.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Anne M. Kornbau
Registration No. 25,884

Telephone No.: (202) 628-5197

Faxsimile No.: (202) 737-3528

AMK:nmp

G:\BN\Y\YUAS\Nagasawa6\PTO\dec 13 02 amend.doc